

SECOND REGULAR SESSION

# SENATE BILL NO. 1144

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time February 14, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4698S.011

## AN ACT

To repeal sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, and to enact in lieu thereof eight new sections relating to the state schools for severely handicapped children.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, to read as follows:

162.675. As used in sections 162.670 to 162.995, unless the context clearly indicates otherwise, the following terms mean:

(1) "Children with disabilities" or "handicapped children", children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;

(2) "Gifted children", children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade-level curriculum;

(3) "Severely handicapped children", handicapped children under the age of twenty-one years who meet the eligibility criteria for [state] **Missouri** schools for **the** severely [handicapped children] **disabled**, identified in state regulations that implement the Individuals with Disabilities Education Act;

(4) "Special educational services", programs designed to meet the needs

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 of children with disabilities or handicapped or severely handicapped children and  
18 which include, but are not limited to, the provision of diagnostic and evaluation  
19 services, student and parent counseling, itinerant, homebound and referral  
20 assistance, organized instructional and therapeutic programs, transportation, and  
21 corrective and supporting services.

162.730. 1. The state board of education shall establish schools or  
2 programs in this state sufficient to provide special educational services for all  
3 severely handicapped children not residing in special school districts or in other  
4 school districts providing approved special educational services for severely  
5 handicapped children which schools or programs shall be referred to herein as  
6 ["state schools for severely handicapped children"] "**Missouri Schools for the**  
7 **Severely Disabled**".

8 2. The Missouri School for the Blind at St. Louis and the Missouri School  
9 for the Deaf at Fulton are within the division of special [services] **education** of  
10 the department of elementary and secondary education. The state board of  
11 education shall govern these schools.

12 3. The state board of education:

13 (1) Shall determine the type and kind of instruction to be offered and the  
14 number and qualifications of instructors and other necessary personnel in the  
15 [state] **Missouri** schools for **the** severely [handicapped children] **disabled**, the  
16 school for the blind and the school for the deaf; provided, however, that the course  
17 of study of these schools shall be of a character to develop the mental, physical,  
18 vocational and social abilities of the pupils and to prepare those students capable  
19 of advancing for admission to postsecondary programs;

20 (2) Shall promulgate all rules and regulations governing enrollment,  
21 including that of assigning children to the most appropriate school or programs;  
22 and

23 (3) Shall determine and approve all policies for the operation of said  
24 schools or programs.

25 4. Notwithstanding any other provision of this section, each school district  
26 which is not a part of a special school district and each special school district  
27 shall provide special educational services for deaf children and youth within the  
28 ages of five through thirteen years residing in the district in accordance with  
29 rules, regulations and standards promulgated by the state board of  
30 education. Such services shall be provided within the district of residence or by  
31 contract with a nearby district or districts or nearby public agency or agencies

32 pursuant to the provisions of sections 162.670 to 162.995, provided, however, that  
33 nothing herein shall be construed to affect the funding or operation of the  
34 Missouri School for the Deaf at Fulton nor to deny to any deaf child or youth  
35 within the age range prescribed above the right to enrollment therein.

36 5. No rule or portion of a rule promulgated under the authority of this  
37 chapter shall become effective unless it has been promulgated pursuant to the  
38 provisions of section 536.024, RSMo.

162.740. The district of residence of each child attending a [state]  
2 **Missouri** school for **the** severely [handicapped children] **disabled** or an  
3 educational program for a full-time patient or resident at a facility operated by  
4 the department of mental health, except school districts which are a part of a  
5 special district and except special school districts, shall pay toward the cost of the  
6 education of the child an amount equal to the average sum produced per child by  
7 the local tax effort of the district. The district of residence shall be notified each  
8 year, not later than December fifteenth, of the names and addresses of pupils  
9 enrolled in such schools. In the case of a special district, said special district  
10 shall be responsible for an amount per child not to exceed the average sum  
11 produced per child by the local tax efforts of the component districts. The district  
12 of residence of the child's parents or guardians shall be the district responsible  
13 for local tax contributions required by this section.

162.755. 1. The state board of education shall provide reasonable  
2 transportation for children who attend day schools or programs operated by the  
3 state board of education or who attend programs operated through contract by the  
4 state board of education as provided in section 162.735.

5 2. Sheltered workshops holding a certificate of approval from the  
6 department of elementary and secondary education under section 178.920, RSMo,  
7 and clients of other facilities operated under the provisions of sections 205.968  
8 to 205.973, RSMo, and [state] **Missouri** schools for the severely [handicapped]  
9 **disabled** may cooperate in the provision of employee, client and student  
10 transportation. Employees of sheltered workshops and clients of other facilities  
11 operated under the provisions of sections 205.968 to 205.973, RSMo, may be  
12 transported to sheltered workshops and other facilities in vehicles owned and  
13 operated by the department of elementary and secondary education or hired by  
14 the department for student transportation or students may be transported in  
15 vehicles owned and operated or hired by sheltered workshops or other facilities  
16 operated under the provisions of sections 205.968 to 205.973, RSMo, to [state]

17 **the Missouri** schools for the severely [handicapped] **disabled**.

18           3. The provision of sheltered workshop employee or other client  
19 transportation in vehicles owned and operated or hired by the department of  
20 elementary and secondary education shall not unduly interfere with the routes  
21 and schedules of the [state] **Missouri** schools for the severely [handicapped]  
22 **disabled** and reasonable compensation may be paid by the sheltered workshop  
23 or other facility for the developmentally disabled to the department of elementary  
24 and secondary education.

25           4. The department of elementary and secondary education may secure  
26 transportation for students in [state] **Missouri** schools for the severely  
27 [handicapped] **disabled** in vehicles owned and operated or hired by sheltered  
28 workshops or other facilities operated under the provisions of sections 205.968 to  
29 205.973, RSMo, and make reasonable compensation for the service to the  
30 sheltered workshop or other facility for the developmentally disabled.

          162.780. The state board of education shall have the care and control of  
2 all property, real and personal, necessary for the operation of the [state]  
3 **Missouri** schools for **the** severely [handicapped children] **disabled**, the school  
4 for the blind and the school for the deaf. The state board of education shall not  
5 sell or in any manner dispose of any real estate purchased by tax moneys  
6 belonging to the schools without an act of the general assembly authorizing the  
7 sale or other disposition. The state board of education may sell, convey, exchange  
8 or convert into money property of any nature, real, personal or mixed, acquired  
9 from individuals or corporations by grant, gift, bequest, devise or donation to  
10 these schools or any of them.

          162.785. 1. The state board of education may acquire by purchase, lease,  
2 gift, bequest, eminent domain, or otherwise, all necessary lands, buildings or  
3 equipment, including transportation facilities, for the use and benefit of the  
4 Missouri School for the Blind, the Missouri School for the Deaf and the [state]  
5 **Missouri** schools for **the** severely [handicapped children] **disabled**. Whenever  
6 the board selects property or additional property for school purposes and cannot  
7 agree with the owner thereof as to the price to be paid, or for any other cause  
8 cannot secure a title thereto, the board may proceed to condemn the property in  
9 the manner provided in chapter 523, RSMo, and on such condemnation and  
10 payment of the appraisal as provided, the title to the property shall vest in  
11 the state board of education for the use and benefit of the school or schools for  
12 which it was required.

13           2. The state board of education may receive and administer any grants,  
14 gifts, devises, bequests or donations by any individual or corporation to the  
15 [state] **Missouri** schools for **the** severely [handicapped children] **disabled**, or  
16 any of them, the Missouri School for the Blind or the Missouri School for the  
17 Deaf. Grants, gifts, devises, bequests or donations made for a specified use shall  
18 not be applied either wholly or in part to any other use.

162.810. No employee of the [state] **Missouri** schools for **the** severely  
2 [handicapped children] **disabled**, the Missouri School for the Blind or the  
3 Missouri School for the Deaf shall keep for sale or be interested, directly or  
4 indirectly, in the sale or exchange of any school furniture or apparatus, books,  
5 maps, charts, stationery, or other property or food used in the schools. Any  
6 employee found to be so interested, upon conviction, shall be adjudged guilty of  
7 a misdemeanor.

168.520. 1. For the purpose of providing career pay, which shall be a  
2 salary supplement for teachers, librarians, guidance counselors and certificated  
3 teachers who hold positions as school psychological examiners,  
4 parents-as-teachers educators, school psychologists, special education  
5 diagnosticians or speech pathologists in the [state] **Missouri** schools for the  
6 severely [handicapped] **disabled**, the Missouri School for the Blind and the  
7 Missouri School for the Deaf, there is hereby established a career advancement  
8 program which shall become effective no later than September 1,  
9 1986. Participation in the career advancement program by teachers shall be  
10 voluntary.

11           2. The department of elementary and secondary education with the  
12 recommendation of teachers from the state schools, shall develop a career  
13 plan. This state career plan shall include, but need not be limited to, the  
14 provisions of state model career plans as contained in subsection 2 of section  
15 168.500.

16           3. After a teacher who is duly employed by a state school qualifies and is  
17 selected for participation in the state career plan established under this section,  
18 such a teacher shall not be denied the career pay authorized by such plan except  
19 as provided in subdivisions (1), (2), and (3) of section 168.510.

20           4. Each teacher selected to participate in the career plan established  
21 under this section who meets the requirements of such plan, shall receive a salary  
22 supplement as provided in subdivisions (1), (2), and (3) of subsection 1 of section  
23 168.515.

24           5. The department of elementary and secondary education shall annually  
25 include within its budget request to the general assembly sufficient funds for the  
26 purpose of providing career pay as established under this section to those eligible  
27 teachers employed in [state] **the Missouri** schools for the severely [handicapped]  
28 **disabled**, the Missouri School for the Deaf, and the Missouri School for the  
29 Blind.

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